

SEARCH AND SEIZURE ARREST — PAT DOWN SEARCH PROPER WHEN TRANSPORTING ARRESTEE — Revised 12/2009

In *State v. Smith*, 112 Ariz. 531, 534, 544 P.2d 213, 216 (1975), the Arizona Supreme Court held that whenever a person is to be transported in a police vehicle, a pat-down search is reasonable, proper and lawful for the protection of the officer. In *State v. Garcia*, 162 Ariz. 471, 784 P.2d 297 (App. 1989), before the officer permitted the defendant to enter his vehicle, he patted her down. During the pat down, the officer found a small envelope. The officer's training and experience led him to conclude that the envelope contained drugs. The drugs were ruled admissible because the officer had probable cause to believe the envelope contained drugs and because the warrantless seizure was valid under the plain view doctrine. *Id.* at 474, 784 P.2d at 300.